

CL-10191974-2347

[REDACTED]
[REDACTED] 7 JUL 17 AM 10:51
Poughkeepsie, NY
Tel.# [REDACTED]

7/10/2007

Certified Mail

Mercede Benz USA LLC
One Mercedes Drive
PO Box 350
Montvale, NJ 07645-0350
Phone: 1-201-573 0600
Fax: 1-201-573 0117

Attn: Mr. Frank P. Berenz, Associate General Council

Re: (a) Mercedes Benz C240 year 2002
(b) Vin#WDBRF61J42F [REDACTED]
(c) 1st accident 4/8/07 Mileage 34,077
(d) 2nd accident 4/23/07 Mileage 34,265
(e) Encompass Ins. Claim 1 [REDACTED]
(f) Encompass Ins. Claim 2nd [REDACTED]
(g) Your letter dated 7/5/07 received 7/9/07 ATTACHED
(h) NYS Attorney General File # [REDACTED]
(i) My letters to you dated 6/8/07-6/15/07-6/22/07, 6/29/07, & 7/6/07
(j) NHTSA File #10191974

Dear Mr. Berenz:

Reference your above captioned letter, there seems to be a pattern on non-receipt of correspondence at your establishment.

Louis Shaia, your Tech. Specialist, claimed he did not receive several of my faxes and he also did not return numerous phone calls left on his cell phone.

You, Mr. Berenz, now claim my letters of 6/8/07 & 6/15/07 were not received.

What I find interesting in your letter is your answer to a letter that you did not receive (?) referencing data in connection with inspections/test performed on my car, where you state that information will not be given to me.

add to
NAR
7/17/07
CC

My question to you is, if all your documentation shows that there is nothing wrong with 2002 Mercedes Benz C240, Vin#WDBRF61J42 [REDACTED] why would you hesitate to send all data associated with same to me.

It has been 32 days and you still have not properly answered my letter dated 6/8/07

[REDACTED] continue to reserve all rights and defenses.

Sincerely yours,
[REDACTED]

Cc: State of NY Office of Attorney General Mark T. Hoops, Bureau of Consumer
Frauds & Protection
National Highway Traffic & Safety Administration (adding new information)
(file 10191974)
Encompass Insurance Co. Anna Osborne
Marshall & Sterling Insurance Shawn Viana
Gellert & Klein PC Stephen E. Ehlers, Attorney
Friendly Motorcars, Michael Ostrow, Owner

P.S. "For the record," copies of my letters sent on 6/8/07 and
6/15/07 are being sent along with this letter. Please confirm
receipt of same in your next correspondence.

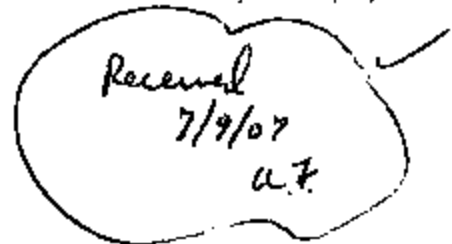


Mercedes-Benz

Mercedes-Benz USA, LLC

A DaimlerChrysler Company

July 5, 2007



[REDACTED]
[REDACTED]
Poughkeepsie, NY [REDACTED]

Re: 2002 Mercedes-Benz C240

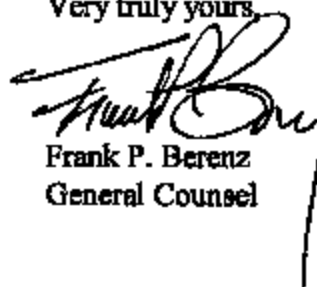
VIN: WDBRF61J42F [REDACTED]

Dear [REDACTED]:

I am in receipt of your June 22 and June 29 letters regarding the subject matter. Those letters refer to other correspondence that you indicate were sent to me by you dated June 8 and June 15. Please note that a review of my records indicates that I have never received those letters. From the tone of your more recent letters that I have received, I assume that your earlier letters take issue with my client's position as communicated to you in my June 4 letter and make certain requests for additional information.

While I do not know the contents of those letters and thus the specifics of your requests, I can tell you that any report prepared in connection with an inspection of your vehicle is privileged and confidential attorney work product and will not be provided to you. Additionally, I will not engage in some continuing debate with you regarding your disagreement with my client's technical conclusion. If you disagree and you choose to pursue a claim via a court proceeding, you will be required to present actual competent testimony of a sufficiently qualified expert who has inspected and analyzed your vehicle in order to meet your burden of proof. MBUSA will be prepared to fully defend itself from your allegations of defect and supporting testimony in any such proceeding.

Very truly yours,



Frank P. Berenz
General Counsel

